

McCain-Palin Victory 2008

June 9, 2009

VIA CERTIFIED MAIL

Thomasenia P. Duncan
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Lord OGC
JUN 10 2009
10:15 am

Re: MUR 6193

Dear Ms. Duncan:

On behalf of McCain-Palin Victory 2008 ("MPV2008"), this letter responds to Mr. Jerry L. Waters's complaint filed with the Federal Election Commission (the "Commission").

Mr. Waters alleges that MPV2008 violated 11 C.F.R. 103.3(b)(3), which requires political committees to redesignate, reattribute, or refund *excessive or otherwise impermissible* contributions within 60 days of receipt. However, Mr. Waters's contribution was neither excessive nor impermissible. Mr. Waters's \$100 contribution was far below MPV2008's contribution limit, and MPV2008's deposit of the contribution was proper.¹ Mr. Waters is therefore incorrect in claiming that the MPV2008 violated 11 C.F.R. 103.3(b)(3).²

MPV2008's normal practice is to voluntarily refund contributions upon request. Here, MPV2008 personnel made a good-faith effort to comply with Mr. Waters's demand, but a series of miscommunications with MPV2008's outside vendor delayed the refund's issuance. This matter is now moot because MPV2008 has issued a full refund to Mr. Waters and Mr. Waters has received this refund check, as shown by the attached documentation.

For all of the foregoing reasons, the Commission should find no reason to believe that a violation occurred and should dismiss this matter.

Respectfully submitted,



Lisa Lisker
Treasurer
McCain-Palin Victory 2008

¹ MPV2008's joint fundraising participants include the Republican National Committee, the Michigan, Missouri, Ohio, and Pennsylvania Republican parties, and the McCain-Palin Compliance Fund. The limit on contributions to MPV2008 was the sum of these participants' contribution limits.

² In addition, the MPV2008 letter that Mr. Waters holds up as proof of his right to a refund was mistakenly generated.